

In the Claims -

Amend claims 1 and 8, as shown on the attached status of claims, including original claims 2 through 7, where the above noted attached sheets form a part of this amendment.

REMARKS

The PTO communication noted objections to the Specification and Drawings. By the accompanying amendments, Paragraph 24 of the Specification has been amended to correct the noted objections, and Figures 1, 2 and 4 have been amended to clarify the cross member 59. It is believed such amendments renders the objections moot to allow consideration of the claims hereof on their merits.

Claim 8 stands rejected under the provisions of 35 U.S.C. 112, second paragraph. Apparently the claims should have been made dependent on Claim 6 to provide the antecedent basis for "said planar member". Accordingly, Claim 8 has been amended to depend from Claim 6, rather than Claim 1. It is thus believed the rejection has been overcome.

Turning to the substantive rejections set forth in the PTO communication, Claims 1 and 2 stand rejected under the provisions of 35 U.S.C. 102(b) as being anticipated by Imai et al. (USP No. 5,338,054). Before continuing, the terms 'where' and 'whereby' has been removed as part of the amendment. Applicant traverses the rejection, particularly as it may be applied to the amended Claim 1, and Claim 2 dependent therefrom. Claim 1 has been amended to clarify the relationship of the pivotal platform (seat) to the vertical frame members. Applicant takes strong issue with the Examiner's interpretation of Imai's Figure 1 urging that item (4) is a pivotal platform for use as a chair. There is no suggestion in the patent that item (4) may be used as a chair, and in fact item (4) is strictly a U-shaped frame that could not function as a seat. Further, item (4) is pivotal about the lower ends of the frame legs (3), in proximity to the ground, and not pivotal about a midpoint along the respective frame members. In conclusion, the Imai device is nothing more than a conventional dolly to transport luggage, for example, and was never intended as a dolly capable of also functioning as a chair. Accordingly, a reconsideration and allowance of Claims 1 and 2 are believed to be in order.

Claims 1 and 2, along with Claim 3 stand rejected under the provisions of 35 U.S.C. 103(a) as being unpatentable over Lin (USP No. 6,082,757), in view of Tsai (USP No. 5,695,246). Applicant traverses the rejection insofar as it may be applicable to amended Claims 1 - 3. The Examiner asserts that the "fishing cart" of Lin "discloses a portable wheeled dolly for transporting a receptacle of articles, where the dolly includes a convertible chair ...", but where is the chair? There is no chair as claimed by Applicant. Lin teaches nothing more than a conventional dolly that is intended for use in carrying fishing rods and other fishing equipment. The so-called pivotal platform is not pivotal about a midpoint, but rather pivotal at the end of the frame members. Noting that Lin fails to disclose a pivotal leg, etc., then relies upon Tsai as providing the missing element. Applicant has a number of questions regarding the suggested combination. How does one attach the pivotal leg to the pivotal frame of Lin, and why would one want to make the combination? The pivotal frame of Lin has supports that are in proximity to the ground. It is again suggested that the combination does render obvious Claims 1 - 3, even if the combination is deemed proper. Thus, a reconsideration and withdrawal of the rejection is believed to be in order, and such action is requested.

Claims 4 and 5 stand rejected under the provisions of 35 U.S.C. 103(a) as being unpatentable over Lin in view of Tsai (above) and further in view of Puckett (USP No. 2,991,035). Applicant traverses the rejection for the reasons given above and for those which follow. Applicant takes strong issue with the Examiner's assertion that "the combination of Lin (-757) and Tsai (-246) discloses all of the features of Claim 3 from which Claims 4 and 5 depend". In fact, as explained above, Lin and Tsai do not meet the limitations of Claim 3, as they do not teach a wheeled dolly having a pivotal platform at a midpoint of the frame members that can double for a chair. A withdrawal of the rejection is requested and an allowance thereof.

Claims 6 and 7 stand rejected under the provisions of 35 U.S.C. 103(a) as being unpatentable over the combination of Lin, Tsai, Puckett in view of Bonewicz, Jr. et al. (USP No. 4,887,837). Applicant traverses the rejection for the reasons discussed above with regard to claims 3 and 4, and for the further reasons which follow. The rejection has now reached the point of applying four references to render obvious the limitations of Claims 6 and 7. Doesn't the mere fact that four references are needed to render obvious the claims suggest that the claimed invention is not obvious? In any case, to the first three references, the Examiner cites Bonewicz for the apparent teaching of a planar

member platform and that it would be obvious to modify the combination of Lin, Tsai and Puckett by the teachings of Bonewicz. Without showing how the combination is to be effected, it is like citing a dictionary and saying the various words thereof render obvious various literary works, such as The Gettysburg Address. This of course is an absurd conclusion. Though the rejection does not rise to such absurdity, it is believed the suggested combination is not obvious and should be withdrawn.

Finally, it is noted that Claim 8 was not rejected on substantive grounds. It is reasonable to assume that this was deliberate and that Claim 8 is allowable over the prior art? Also, it is to be noted that Claim 8 was amended to depend on Claim 6 whereby antecedent basis is provided for "said planar surface". Assuming this is correct, it is requested that the Examiner reconsider all the rejections and allow Claims 1 - 7 along with Claim 8.

If the Examiner feels that a phone conference may be helpful to resolve any remaining issues, he is invited to call the undersigned Agent at
(850) 236-0548

Respectfully submitted,
Applicant

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Encl: Amended Par. 24
Status of claims, 2 pages
5 sheets of replacement drawings